

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

HOUSE COMMITTEE ON HUMAN RESOURCES

April 24, 1991 Hearing Room D 1:30 p.m. Tapes 125 - 126

MEMBERS PRESENT: Rep. Mary Alice Ford, Chair Rep. Beverly Stein, Vice-Chair Rep. Jerry Barnes Rep. Cedric Hayden (1:10) Rep. John Meek (1:07) Rep. Hedy Rijken (1:35) Rep. Jackie Taylor

STAFF PRESENT: Melanie Zermer, Committee Administrator Angela Muñoz, Committee Assistant

MEASURES CONSIDERED: HB 2004 - Children's Services Division Task Force - PH, WS HB 2882 - Child Abuse Assessment Centers - WS HB 2398 - DHR Check on Criminal Records - WS HB 3242 - Certification of First Responders - WS

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TAPE 125, SIDE A

010 CHAIR FORD: Calls the meeting to order at 1:05 p.m.

HB 2004 - CHILDREN'S SERVICES DIVISION TASK FORCE - PUBLIC HEARING:  
Witnesses: Rep. Larry Campbell, District 43 Arnie Green, Oregon KID Pac

010 REP. LARRY CAMPBELL, District 43: Introduces HB 2004. CSD has done internal reviews. Before many of the problems became public in CSD, asked for a task force that would serve as an oversight committee to review CSD. This bill establishes an oversight of the legislative audit committee that would contract with a national organization that is experienced in reviewing agencies the size of CSD. Wants recommendations of things Oregon should do for human services.

060 CHAIR FORD: Presents the HB 2004-3 amendments (EXHIBIT A).

REP. BARNES: Can the audit be done in a two-year period?

CAMPBELL: The amendments ask that the audit be completed by August 1992. That would allow for legislation to be drafted prior to the 1993 Legislative Session. The fiscal staff is willing to do the fiscal reports. That would cost a lot if we had to go to an outside organization. Would hire outside experts for policy and direction.

CHAIR FORD: CSD is keeping track of those who are not coming into the system because of the backup. Those statistics are available now and they weren't in the past.

REP. STEIN: Is glad the bill includes the joint legislative audit committee. Do you have a firm in mind for the audit or will it be competitive?

CAMPBELL: The bid will be competitive. Has been talking with one firm that did a similar study in Texas.

REP. STEIN: The state has already done three studies of CSD. Shouldn't we look at those and draw conclusions?

CAMPBELL: The auditors should look at those after they do the report. Doesn't want them misdirected or drawing conclusions for other reports. Wants them to do a complete job.

108 ARNIE GREEN, Board Member, Oregon KID PAC: Also works with various other mental health organizations. Supports HB 2004. CSD gets a lot of bashing because it is the biggest agency. Other agencies would also look bad if they were under the same scrutiny. Shows the committee 10 studies that have come out this year on children's issues and shares some of their recommendations. Why, after all we know about the correlation between child abuse, some of the problems cited in the reports and creating a stable work force hasn't anything changed? Some of the problems are getting worse. Explains the system from the child's point of view. There are too many people involved in the system and the child gets lost. Most of the studies are done by people who are involved in the agencies. They are stakeholders in the system and will design solutions around their area of expertise. There are 38 agencies providing 208 services to children in the state. HB 2004 will allow a comprehensive audit of the children's services network. It will show how CSD interacts with the system.

HB 2004 - CHILDREN'S SERVICES DIVISION TASK FORCE - WORK SESSION:

400 MOTION:Rep. Meek moves to adoption the HB 2004-3 amendments.

VOTE:In a voice vote, there were no objections.

MOTION:Rep. Meek moves to send HB 2004 To Ways and Means by prior reference

with a Do Pass recommendation.

VOTE:In a roll call vote, the motion carries 7-0.

INFORMATIONAL HEARING - CHILDREN SERVICES DIVISION: Witnesses:Mary Hoyt, CSD Larry Graber, CSD

436 MARY HOYT, Children's Services Division: Introduces Larry Graber with family based services in CSD. CSD looked at how to reach out to families in a positive way. Mr. Graber has designed a model for this. Oregon's model will be used in a national effort.

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042 LARRY GRABER, Family Based Services, Children's Services Division:

Believes that strong families are the key to a healthy society. We can weaken the family in the name of help. Two things weaken families: looking for problems and giving advice.

REP. HAYDEN: You have a talent. These suggestions are good.

083 GRABER: When you talk about problems you deal with shame and guilt. Problems tend to label people. If a person doesn't want to share problems then are misrepresented as negative. Giving advice is disrespectful because it assumes you know all the variables in a person's life. Strengths resolve issues of concern. Explains the Family Unity Model he designed (EXHIBIT B). The model believes that families have strength and wisdom. The model allows families to show their strengths (EXHIBIT C). Options are preferable to advice. The system needs to work to meet the needs of the family, not the other way around.

210 CHAIR FORD: Congratulates Mr. Graber for the award he won.

REP. STEIN: Congratulations. Uses his concept of families to change organization. Is afraid that HB 2004 that the committee just passed leads us into the same problems. It lists problems and then offers advice instead of working with the agency to transform itself.

CHAIR FORD: Will recommend that if the study happens, that Mr. Graber's model is studied as an option. Wants this portion of the meeting transcribed verbatim.

HOYT: When the budget was being drafted, received many calls not to cut the family-based consultants. That indicates that the staff is successful with the philosophy.

HB 2882 - CHILD ABUSE ASSESSMENT CENTERS - WORK SESSION:

Witnesses: Doug Baleau, Victim's Assistance Program John Powell, Blue Cross/Blue Shield Mary Hoyt, CSD Emmie Lowe, CARES Program Art Keil, Health Division Minda English, Oregon Hospital Association

250 MELANIE ZERMER, Committee Administrator: Presents and explains the HB 288 2-2 amendments (EXHIBIT D). The amendments become the bill. The bill would establish regional child abuse centers. The amendments turn the concept into a grant program administered by the Health Division. Walks through the sections of the bill.

304 CHAIR FORD: Why was the grant program given to the Health Division?

ZERMER: There was discussion about whether it should be the Health Division or CSD. It is a child abuse issue. The Health Division was chosen because police departments and the victim assistance program were concerned that if CSD were involved in the assessment system, defense attorneys could use that against any evidence brought to court. The Health Division is a neutral agency. Continues to walk through the bill.

361 CHAIR FORD: The bill has the center be in a central location near a large population group. What is large?

ZERMER: Those rules would be clearly defined by the advisory council. This is for the regional assessment center. Don't want a center that is not accessible to most of the population.

CHAIR FORD: In parts of Eastern Oregon, that could just happen.

ZERMER: They would be eligible for a grant for a community assessment center.

CHAIR FORD: They may not have the need either.

ZERMER: Continues to walk through the bill. As amended, the bill does not include an insurance mandate. The language that individual and group health insurance policies have to cover the services "to the extent that such benefits are provided under the individual or group policy." Without that wording it is a mandate.

REP. MEEK: Agrees that it is not a mandate, but the wording is awkward. Doesn't think the wording reflects that the group policy includes family benefits. Could be worded simply and appropriately.

422 CHAIR FORD: Do you have any wording written down?

REP. MEEK: No. Is this the way the committee wants to go? If it is then we should make it perfectly clear instead of leaving it up for interpretation.

CHAIR FORD: Even the statement that says "to this extent"? That isn't clear enough? Have used that statement before in other statutes.

REP. MEEK: That is the question. The first five lines of the section state a mandate and the last line leaves the interpretation that it is not a mandate. If the intent of the committee is to pay the benefits, then need to reword it.

CHAIR FORD: The intent was that if the policy covered such benefits, the policy would have to be able to pay the assessments. Thinks the amendments say that.

475 REP. BARNES: If you have a policy, then you follow the policy. Do we need this statement in there? We are not going to change the contract in the policy.

CHAIR FORD: Is concerned that by removing the statement entirely, the insurance company may try to get out of paying anything because it is not written in the law.

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033 REP. BARNES: That is a civil matter, not a public policy matter.

DOUG BALEAU, Victim's Assistance Program, Multnomah County: The original bill was drafted to make sure this was a secondary fund and that other funds were paid first. The intent is for insurance companies to pay even though state funds are available.

REP. BARNES: Maybe we should state that clearer.

JOHN POWELL, Blue Cross/Blue Shield: Has similar concerns that are being discussed. The policies that provide for benefits that have been included in this act would be based on medically necessary treatment. If someone is diagnosed with a medical problem, then it would be covered in the policy. It seems the committee is saying that in such cases, the company should pay and the company would pay anyway under the policy. Similar language in other bills has been removed. If it is not a

mandate, then the existing policy language will govern. If you remove this section, you would do what you are trying to do without the confusion.

065 MARY HOYT, CSD: If a company has the mandates in its policy, then you don't need to put it in the bill. Will be monitoring the companies for instances where a person may not get paid.

EMMIE LOWE, Program Manager, CARES Program: One reason that is in the bill is because of past experience at a child assessment center. The centers have dual purposes: to conduct a medical evaluation and a forensic evaluation. The medical evaluation is covered by insurance. The forensic evaluation is the questionable area. The purpose of an assessment is to cover all the needed services at once.

CHAIR FORD: Doesn't want to leave anything in the bill which may be a mandate.

LOWE: Doesn't want to suggest a mandate. It is covered in the policies just wants to make sure insurance is used as a primary resource.

CHAIR FORD: According to Ms. Hoyt, that is what they would do.

LOWE: She was referring to mental health treatment, not medical treatment. That is a little different.

102 HOYT: The principle is the same. If you have coverage, you don't need to write that back into the law.

CHAIR FORD: You are more likely to have the medical coverage than the mental health coverage.

BALEAU: Feels comfortable that the record reflects the intent of the bill and that they can come back to the committee if there are problems.

REP. MEEK: Is in the insurance industry. There could have been better language drafted. Would feel comfortable if the section was eliminated. The record has been established and if there are any problem we can address them next session.

ZERMER: The committee can also send a letter to the insurance commissioner alerting him to the intent of the law. Continues to explain the bill.

162 CHAIR FORD: Is there anything that would prevent support groups from donating?

ZERMER: No, it encourages it. It is in Section 6 which describes the application process for grants.

CHAIR FORD: The donations can be everything from a facility to a room or a raffle to pay for equipment. Hopes that when the plans are approved that donations are taken into consideration to maximize efforts. It demonstrates community support.

REP. BARNES: Who will be held responsible for this program? The health division administers the program and the advisory council reports to the Legislature. Who is responsible for initiating follow up and monitoring?

CHAIR FORD: The Health Division will be responsible for administration.

REP. BARNES: Maybe we should put it in the bill and give them enough authority for that.

CHAIR FORD: Does the Health Division have enough authority for this program?

ART KEIL, Health Division: Can follow up on the program and ensure that the grants are given.

222 REP. BARNES: Wants the Health Division to have enough authority not only to distribute the money but to also follow through.

KEIL: Thinks they can do that. Will work with the committee to tighten any language.

CHAIR FORD: Could you work with Ways and Means when this bill gets their?

KEIL: Yes.

LOWE: Introduces Linda English who will go over the budget projected for the bill. Presents the figures for the committee (EXHIBIT E).

249 CHAIR FORD: How much community involvement and in-kind contribution was given to the original CARES program?

MINDA ENGLISH, Oregon Hospitals Association: During the initial funding of the CARES program there were private grants to help the start up. These amounts and donations for overhead are not included in the amounts on the summary page (EXHIBIT E). The example is the worst case scenario for dollars needed.

CHAIR FORD: Where is the money from Emanuel and other counties?

ENGLISH: Explains the breakdown of the revenues and expenses for the program. The donations are not listed individually.

320 REP. BARNES: Page 4, line 12 of the bill says the interviewer needs an advanced academic degree in human services. How did you arrive that the person needs an MA degree or above?

LOWE: That was determined for court purposes. To qualify as an expert witness, that is the requirement.

MOTION:Rep. Stein moves to delete Section 8 of the HB 2882-2 amendments and

adopt the amendments to HB 2882.

VOTE:In a voice vote, there were no objections.

MOTION:Rep Meek moves HB 2882 as amended to Ways and Means by prior reference with a Do Pass recommendation.

353 REP. MEEK: This bill and program wasn't part of the overall recommendation to Ways and Means. How will it fit in those recommendations? Can we assure that an explanation goes along with it?

CHAIR FORD: We could rank the bill as an addendum.

REP. MEEK: The committee just sent down a prioritized list to Ways and Means. Doesn't want to send conflicting priorities.

CHAIR FORD: Ways and Means is aware of these bills that don't fit in the priorities. The committee should allow them to know where it fits in.

VOTE: In a roll call vote, the motion carries 6-0-1. Rep. Hayden is excused.

408 CHAIR FORD: Recesses the hearing at 2:30 p.m. Reconvenes the hearing at 2:45 p.m.

HB 2398 - DHR CHECK OF CRIMINAL RECORDS - WORK SESSION:

Witnesses: Ken Otto, DHR Cindy Booth, CSD

ZERMER: Presents amendments and the hand-engrossed version of the bill (EXHIBIT F). The amendments enable, rather than require, the Department of Human Resources to request criminal records check. It requires DHR to define who may request the checks and who must undergo them. HB 2398 does not have a referral to Ways and Means.

450 KEN OTTO, Department of Human Resources: Explains some of the fiscal impacts in the bill. The amendments change the mandate to may. Doesn't see a substantial fiscal impact to the department.

CHAIR FORD: With a "shall" the cost is \$6 million and with a "may" there is a minimal impact. Does that mean it won't be done?

OTTO: It will see limited use because of the costs associated with it.

490 CHAIR FORD: But it will be in place in case funds are found for it.

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035 REP. MEEK: Worked on the bill and spent a good amount of time on procedures. The state police want to cooperate to help the checking process and think the bill is good.

CHAIR FORD: If this had been there in the last biennium, we might not have had all the expenses that occurred for a severe case in Multnomah County.

060 CINDY BOOTH, Children's Services Division: That is somewhat correct. DHR is not a criminal justice agency. Some information that came from the nationwide check wouldn't have been shared with the agency until the person was charged with the crime.

CHAIR FORD: So this bill wouldn't take care of those situations?

BOOTH: The bill designates DHR by law. Now DHR is a designated agency by the governor. By law means we would be designated by the U.S. Attorney General and we can obtain information from the national files.

REP. BARNES: Would that be through the state police?

BOOTH: Yes, the information would be through the Oregon criminal records and go through the state police for national checks.

MOTION:Rep. Meek moves to adopt the HB 2398-2.

VOTE:In a voice vote, there were no objections.

MOTION:Rep. Meek moves HB 2398 as amended to the floor with a Do Pass recommendation.

VOTE:In a roll call vote, the motion carries 6-0-1. Rep. Hayden is excused. Rep. Meek will lead the floor discussion.

HB 3242 - CERTIFICATION OF FIRST RESPONDERS - WORK SESSION:

Witnesses: Art Keil, Health Division Rep. Bill Markham, District 46

103 ZERMER: Presents the HB 3242-1 amendments (EXHIBIT G) and the hand-engrossed version of the bill (EXHIBIT H).

ART KEIL, Health Division: Amendments make the program voluntary. A person could become certified by passing the requirements the Health Division establishes. It is voluntary because there is a fee for certification.

CHAIR FORD: Does this go to Ways and Means?

ZERMER: No, but it may have to go because of the fees.

KEIL: That is what he understands.

CHAIR FORD: Recesses the hearing at 2:55 p.m. for staff to check with Legislative Fiscal about sending HB 3242 to Ways and Means. Reconvenes the hearing at 3:00 p.m.

170 REP. BILL MARKHAM, District 46: Presents support from fire chiefs and in his district that support HB 3242. (Committee has received testimony in support of the bill from Dick Hopper (EXHIBIT I), Michael Sherman (EXHIBIT J) and Brian McLadden (EXHIBIT K).)

ZERMER: Fiscal wants to see HB 3242 because they are compiling all the bills that deal with fees.

CHAIR FORD: The fee is moderate enough that there won't be objections.

MOTION:Rep. Meek moves to adopt the HB 3242-1 amendments.

200 REP. TAYLOR: Has had a lot of concerns from constituents about the bill. Do the amendments take care of the concerns?

REP. MARKHAM: The amendments make certification optional.

KEIL: Yes. You don't have to get the certification if you don't want to pay the fee.

VOTE:In a voice vote, there were no objections.

MOTION:Rep. Stein moves HB 3242 as amended to Ways and Means.

VOTE:In a roll call vote, the motion carries 6-0-1. Rep. Hayden is excused.



225 CHAIR FORD: Adjourns the hearing at 3:06 p.m.

Submitted by,

Reviewed by,

Angela Muñoz

Melanie Zermer

EXHIBIT LOG: A - Amendments to HB 2004 - Staff - 3 pages B - Family Unity model - Larry Graber - 1 page C - Family Unity Model - Larry Graber - 7 pages D - Amendments to HB 2882 - Staff - 6 pages E - Budget for HB 2882 - Minda English - 3 pages F - Amendments to HB 2398 - Staff - 5 pages G - Amendments to HB 3242 - Staff - 1 page H - Hand-engrossed version of HB 3242 - Staff - 8 pages I - Testimony on HB 3242 - Dick Hopper - 1 page J - Testimony on HB 3242 - Michael Sherman - 1 page K - Testimony on HB 3242 - Brian McLadden - 1 page